4068-0002-0PCT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

:

FRANCIS VANDERBIST ET AL

: EXAMINER: KRATZ, C. AND

SMITH, L.

SERIAL NO: 09/424,247

FILED: NOVEMBER 30, 1999

: GROUP ART UNIT: PCT LEGAL OFFICE

FOR: DRY POWDER INHALER

EXCIPIENT, PROCESS FOR ITS

PREPARATION AND

PHARMACEUTICAL COMPOSITIONS

CONTAINING IT

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JUN 1 9 2001

SUPPLEMENTAL REQUEST FOR RECONSIDERATION Center 2100

ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231

SIR:

Further to the Request for Reconsideration of May 29, 2001, Applicants provide herewith a copy of a facsimile received on May 29, 2001, from Galephar P.R. Inc.

Unfortunately, this facsimile was not received in sufficient time to incorporate the same into the filing of May 29, 2001.

Nevertheless, the facsimile (identified as attachment 16) provides a copy, executed by two co-inventors Francis Vanderbist and Phillippe Baudier, of a description of the

qontributions of each of Francis Vanderbist, Phillippe Baudier and Paul Maes to the work leading up to the present invention.

In view of the Request for Reconsideration of May 29, 2001, and the above, including the sixteen (16) attachments of record, providing clear evidence that Mr. Paul Maes refuses to execute the Declaration for this case, Applicants earnestly urge that this application be accepted for further national stage processing.

Favorable consideration is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

Norman F. Oblon Attorney of Record

Registration No. 24,618

William E. Beaumont Registration No. 30,996

22850

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Legal Staff

International Division

Docket No.:

4068-0002-0 PCT

ASSISTANT COMMISSIONER OF PATENTS

ATTENTION: PCT LEGAL OFFICE

WASHINGTON, D.C. 20231

RE: Application Serial No.: 09/424,247

Applicant(s): FRANCIS VANDERBIST ET AL

Filing Date: **NOVEMBER 30, 1999**

Examiner: FRATZ, C. and SMITH, L. GROUP ART UNIT: PCT LEGAL

DRY POWDER INHALER EXCIPIENT, PROCESS FOR ITS PREPARATION AND For:

PHARMACEUTICAL COMPOSITIONS CONTAINING IT

SIR:

Attached hereto for filing are the following papers:

SUPPLEMENTAL REQUEST FOR RECONSIDERATION + ATTACHMENT 16

Our check in the amount of \$ 0 is attached covering any required fees. In the event any-variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

Norman F. Oblon

Registration No. 24,618

Attorney of Record

William E. Beaumont Registration No. 30,996

22850

PH: 703-413-3000

FX: 703-413-2220





ATTACHMENT 16

Fax

Mr. William Beau	mont From:	Mr. Arthur M.	Deboeck
1-703-413-2220		02 (including cover page)	
1-703-412-6471	Date:	May 29, 2001	
Sign Documents	CC:_		
nt X For Review	□ Please Comment	□ Please Reply	□ Please Recycle
	1-703-413-2220 1-703-412-6471 Sign Documents	1-703-413-2220 Pages: 1-703-412-6471 Date: Sign Documents CC:	1-703-413-2220 Pages: 02 (including control of the

If you do not receive this fax complete please call 787-713-0340.

Dear William,

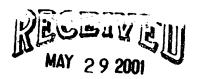
Enclose you will find the Invention Process documents signed by Francis Vanderbist and Philippe Baudier.

If you need more information or have any doubt, do not hesitate to contact me

Regards,

By Degli

RECEIVED
JUN 1 9 2001
Technology Center 2100



OBLON, SPIVAK, McCLELLAND MAIER & NEUSTADT, P.C.



Laboratoires S.M.B. S.A.

AN INTEGRATED PHARMACEUTICAL COMPANY

"DRY POWDER INHALER EXCIPIENT, PROCESS FOR IT PREPARATION AND PHARMACEUTICAL COMPOSITIONS CONTAINING IT

INVENTION PROCESS

The Patent (WO 98/50015) "Dry Powder Inhaler Excipient, Process for it praparation and Pharmaceutical compositions containing it" was invented by Francis Vanderbist, Paul Maes and Philippe Baudier.

Francis Vanderbist, Industrial Pharmacist employee of SMB and Project Manager had made the hypothesis that the Roller dried lactose could be of interest as a carrier for Dry Powder inhalation hoping that it could provide for increased stability of active drigs.

During a requier research and development meeting francis Vanderbist reported this idea to Mr. Paul Maes, R & D Director and his direct supervisor at that time and to Mr. Philippe Baudiar, Managing Director. The three present at that meeting concluded to go forward with the concept and decided to further meet on a requier basis and to assign to Francis Vanderbist the Laboratory work.

Brain storming meetings took place on a regular basis for the purpose of transforming the concept to useful medical application. Mr. Philippe Baudier principal:

collaboration was to salest the useful areas of research by defining the active chemical entities of commercial and medical interest and by providing the necessary funding. Mr. Paul Maes, principal collaboration was to assure that the experiments performed were scientifically sound and that the work was performed on a timely basis.

After full collaboration on this project for about 3 years, a patent application was written in collaboration by the three inventors.

We, Francis Vanderbist and Philippe Baudier, declare that the patent "Dry Powder Inhaler Excipient, Process for it preparation and Pharmaceutical compositions containing it" listed in the PCT application PCT/BEP8100064 was originated from the collaborative work of the three inventors Francis Vanderbist, Paul Mass and Philippe Baudier.

Francis Vanderbist

- Pailippe Baudier

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R.C.B.+L.R.B.: 415.322